

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

PHILLIP ALEXANDER STEED

PLAINTIFF

v.

Case No.: 07-5058

CORPORAL TOMLAN;
JAIL NURSE, identified as having long
black hair; BENTON COUNTY JAIL

DEFENDANTS

ORDER

Phillip Alexander Steed (Plaintiff) filed this pro se civil rights action under 42 U.S.C. § 1983 on April 3, 2007 (Doc. 1). On April 3, 2008, Defendants filed a summary judgment motion (Doc. 18). To assist Plaintiff in responding to the summary judgment motions, the undersigned is propounding a questionnaire. The Court will consider Plaintiff's response to the questionnaire in issuing an opinion on the summary judgment motions.

For this reason, Phillip Steed is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **May 23, 2008**. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 23rd day of April 2008.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

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RESPONSE TO SUMMARY JUDGMENT MOTION

TO: **PHILLIP A. STEED**

On April 3, 2008, Defendants filed a summary judgment motion (Doc. 18). Accordingly, these questions and answers will serve as your response to Defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **May 23, 2008**.

1. Describe below the policies of "safety of inmates" "safety of disabled" at the Benton County Jail. You articulated these policies and procedures caused your injuries in the Addendum to your complaint (Doc. 7, ¶ 5).

(A) How did these policies and procedures cause your constitutional rights to be violated?

2. Your claim against Defendant Tomlin is that he did not place you in protective custody as you asked upon being booked into the Benton County Jail.

Answer: Agree ____ Disagree ____

If you disagree, explain any further or other claims you have against Defendant Tomlin below.

(A) Even though you were not placed in protective custody as asked, were you sexually assaulted when incarcerated in the Benton County Jail from May 22, 2006 to May 26, 2006?

Answer: Yes ____ No ____

(B) If you answered yes, did you file a grievance regarding these injuries?

Answer: Yes ____ No ____

If yes, give the date the grievance was filed. If no, explain why you did not file a grievance.

3. Your claim against Defendant Bird is that she did not place you in a cell to yourself or lockdown due to your cerebral palsy.

Answer: Agree____ Disagree____

If you disagree, explain any further or other claims you have against Defendant Bird below.

(A) Even though you were not placed in lockdown or a cell to yourself due to cerebral palsy, did you suffer any injury as a result of being placed in the general population of the Benton County Jail?

Answer: Yes____ No____

If you answered yes, explain what injuries you suffered any how those injuries were related to you being placed in the general population.

(B) If you answered yes, did you file a grievance regarding these injuries?

Answer: Yes____ No____

If yes, give the date the grievance was filed. If no, explain why you did not file a grievance.

4. Explain below your claims against Defendant Petray.

5. You state that you were not able to follow up with an appointment regarding injuries to your arm at North West Medical Center. You state you went for treatment on May 27, 2006, and were to return on Friday.

(A) Were you incarcerated at the Benton County Jail on May 27, 2006?

Answer: Yes___ No___

(B) Why were you unable to follow up on Friday?

6. You state that you suffered an injury to your arm while incarcerated at the Benton County Jail and that your arm would shake so that you were unable to sleep.

(A) When was your arm injured? Give a date.

(B) Describe in detail how your arm was injured. Who injured it? What were the circumstances under which the injury occurred?

(C) Did you request medical attention for your arm?

Answer: Yes___ No___

If yes, from whom did you request attention? Did you fill out a medical request?

(D) Explain below what, if any medical attention you received at the Benton County Jail regarding your arm. Give dates.

(E) Do you currently suffer from any injuries related to the incident with your arm?

Answer: Yes ____ No ____

If yes, explain the injuries you currently suffer, the physicians you are seeking, and your course of treatment.

(F) Did you file any grievance related to the incident which caused injury to your arm?

Answer: Yes ____ No ____

If yes, when did you file this grievance? If no, why did you not file any grievances?

7. Was the person who had previously sexually assaulted you still incarcerated at the Benton County Jail when you were booked there on May 22, 2006?

Answer: Yes ____ No ____

If yes, did you tell this to Sgt. Tomlin or anyone else when requesting protective custody?

8. Explain below why your cerebral palsy made it necessary for you to be placed on lockdown or in your own cell.

Detail below any further response you would like to make to defendants' summary judgment motion. If you have exhibits you would like the court to consider, you may attach them to this response.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2008.

PHILLIP ALEXANDER STEED